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**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

MY VAN THI ANDERSON,)
)
 Plaintiff,)
 vs.)
)
 ALBERTSON'S LLC, a foreign limited-)
 liability Company; and DOES I-X; and ROE)
 CORPORATIONS I-X, inclusive)
)
 Defendants.)

NOTICE OF REMOVAL

Defendants Albertson's LLC ("Defendant"), by and through its counsel of record, Jack P. Burden, Esq., hereby file this instant notice of removal of this action to the United States District Court for the District of Nevada, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and in support thereof, state as follows:

**I.
 FACTUAL AND PROCEDURAL HISTORY**

1. Plaintiff MY VAN THI ANDERSON ("Plaintiff") is and was a resident of the State of Nevada; and is therefore a citizen of Nevada for purposes of diversity. *See* Complaint at ¶ 1, filed in the Eighth Judicial District Court for Clark County, Nevada, attached as Exhibit A.
2. Defendant is a company organized, existing, and doing business under and by virtue of the

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laws of the State of Delaware, with its headquarters and principal place of businesses in the State of Idaho.

3. Plaintiff's Complaint was filed in the Eighth Judicial District Court for Clark County, Nevada, on August 3, 2022. *See* Exhibit A.
4. The Summons and the Complaint were served on Defendant on August 12, 2022. *See* Summons, Attached as Exhibit B. *See also* Affidavit of Service, Attached as Exhibit C.
5. Plaintiff's Complaint asserts claims for (1) Negligence, and (2) Negligent Hiring/Training/Supervision/Retention. *See* Exhibit A, at pages 3-5.
6. Plaintiff alleges that she tripped over an electrical box in a checkout aisle and was injured as a result. *See* Exhibit A, at ¶ 14.
7. Plaintiff seeks damages in excess of \$75,000. *See* Exhibit A, at ¶ 9, ¶ 18, ¶ 34.

II.

DIVERSITY JURISDICTION

8. Pursuant to 28 U.S.C. § 1332(a), a federal district court "shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum of value of \$75,000" and the controversy is between "citizens of different states." *See* 28 U.S.C. § 1332(a).
9. Pursuant to 28 U.S.C. § 1332(a)(1), this case may be removed to United States District Court for the District of Nevada because there is complete diversity of citizenship between Plaintiff and Defendant, and the amount in controversy exceeds \$75,000.
10. There is complete diversity in this matter as Plaintiff is a citizen of Nevada and Defendant is a citizen of Delaware and Idaho.
11. Further, the requisite amount in controversy under 28 U.S.C. § 1332(a) is also met, as Plaintiff states in the Complaint. *See* Exhibit A, at ¶ 9, ¶ 18, ¶ 34.
12. Accordingly, this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a).
13. Defendant respectfully requests this matter be removed to the United States District Court for the District of Nevada.

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III.

THE PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED

14. 28 U.S.C. § 1446(b)(1) states: “The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within 30 days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter.”
15. This instant Notice of Removal is timely in that it is filed within 30 days of service of Plaintiff’s Summons and Complaint. Plaintiff served Defendant on August 12, 2022. *See* Exhibit C.
16. This Court has original jurisdiction over the subject matter of this action, pursuant to 28 U.S.C. § 1332(a), as there is complete diversity between the parties, and there is more than \$75,000 in controversy, exclusive of interest and costs.
17. Pursuant to 28 U.S.C. § 1441, this action is one which may be removed to this Court.
18. Pursuant to 28 U.S.C. § 1446(c)(1), the date for removal is not more than one year after the August 3, 2022, commencement of the state court action.
19. Pursuant to 28 U.S.C. § 1446(b)(2)(A), no other defendants need to join or consent to the removal of this action as there is only one defendant.
20. A true and correct copy of this Notice of Removal will be filed with the clerk for the Eighth Judicial District Court, Clark County, Nevada.
21. Pursuant to 28 U.S.C. § 1446, a true and correct copy of all process, pleadings, and orders served upon Defendant in the state court are attached hereto. *See* Complaint, Attached as Exhibit A, Summons, Attached as Exhibit B, Affidavit of Service, Attached as Exhibit C, Defendant’s Answer, Attached as Exhibit D, Defendant’s Demand for Jury Trial, Attached as Exhibit E, and Defendant’s Initial Appearance Fee Disclosure, Attached as Exhibit F.
22. Therefore, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant is entitled to remove this action to this court.

PRAYER

23. WHEREFORE, Defendant prays that the above-entitled action be removed from the Eighth Judicial District Court in and for Clark Count, Nevada.

DATED this 9th day of September, 2022.

Respectfully Submitted,
BACKUS, CARRANZA & BURDEN

By: /s/ Jack P. Burden
Jack P. Burden, Esq.
Jacquelyn Franco, Esq.
3050 South Durango Drive
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Attorneys for Defendant Albertson's LLC

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CERTIFICATE OF SERVICE

I am a resident of and employed in Clark County, Nevada. I am over the age of 18 years and not a party to the within action. My business address is: 3050 South Durango Drive, Las Vegas, Nevada, 89117.

On September 9, 2022, I served this document on the parties listed on the attached service list via one or more of the methods of service described below as indicated next to the name of the served individual or entity by a checked box:

VIA U.S. MAIL: by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada. I am "readily familiar" with the firm's practice of collection and processing correspondence by mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

VIA FACSIMILE: by transmitting to a facsimile machine maintained by the attorney or the party who has filed a written consent for such manner of service.

BY PERSONAL SERVICE: by personally hand-delivering or causing to be hand delivered by such designated individual whose particular duties include delivery of such on behalf of the firm, addressed to the individual(s) listed, signed by such individual or his/her representative accepting on his/her behalf. A receipt of copy signed and dated by such an individual confirming delivery of the document will be maintained with the document and is attached.

BY E-MAIL: by transmitting a copy of the document in the format to be used for attachments to the electronic-mail address designated by the attorney or the party who has filed a written consent for such manner of service.

BY ELECTRONIC MEANS: by electronically filing and serving with the court's vendor.

ATTORNEYS OF RECORD	PARTIES REPRESENTED	METHOD OF SERVICE
Jacob S. Smith, Esq. HENNESS & HAIGHT 8972 Spanish Ridge Avenue Las Vegas, NV 89148 702.862.8200 F: 702.862.8204 Jake@HenessandHaight	Plaintiff	<input type="checkbox"/> Personal service <input type="checkbox"/> Email service <input type="checkbox"/> Fax service <input type="checkbox"/> Mail service <input checked="" type="checkbox"/> Electronic Means

I declare that under penalty of perjury under the laws of the State of Nevada that the above is true and correct. I further declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

/s/ Anne Raymundo
An employee of BACKUS, CARRANZA & BURDEN

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